



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF SOLID AND
HAZARDOUS WASTE
Dennis R. Downs
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

February 9, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Shane Whitney
Facility Manager
Clean Harbors Grassy Mountain, LLC
P.O. Box 22750
Salt Lake City, Utah 84122-0890

**SUBJECT: NOTICE OF VIOLATION
UTD991301748**

Dear Mr. Whitney:

During October 2004 through September 2005, Representatives of the Utah Division of Solid and Hazardous Waste conducted compliance inspections of the Clean Harbors Grassy Mountain facility. The enclosed NOTICE OF VIOLATION is based on findings documented during those inspections.

You are hereby requested to submit to this office on or before March 10, 2006, written verification that the violations noted therein have been corrected. This notification should include an explanation of the steps taken to correct the problems and the corrective actions implemented to ensure that these violations do not recur.

If you have any questions regarding this matter, please contact Ed Costomiris at 801-538-6208.

Sincerely,

ORIGINAL DOCUMENT SIGNED BY DENNIS R. DOWNS ON 2/9/06

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

DRD/EGC/tw

Enclosure

c: Myron Bateman, E.H.S., M.P.A., Health Officer, Tooele County Health Department
Chris Lilley, Clean Harbors Compliance Manager, Grassy Mt. Facility
Eric Johnson, U.S. EPA, Region VIII, ENF-RC

TN20060074

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BEFORE THE UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD

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|------------------------------------|---|----------------------------|
| In the Matter of: | : | <u>NOTICE OF VIOLATION</u> |
| | : | |
| Clean Harbors Grassy Mountain, LLC | : | <u>No. 0601004</u> |
| UTD991301748 | : | |
| | : | |

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This **NOTICE OF VIOLATION** is issued by the UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD (the Board) pursuant to the Utah Solid and Hazardous Waste Act (the Act), Section 19-6-101, et seq., Utah Code Annotated 1953, as amended. The Board has delegated to the Executive Secretary authority to issue such **NOTICES** in accordance with Section 19-6-112 of the Utah Code Annotated and R315-12-2.2 (a) of the Utah Administrative Code.

FINDINGS

1. Clean Harbors Grassy Mountain, LLC (hereafter referred to as the Grassy Mountain Facility) is a Delaware company licensed to do business in Utah.
2. The Grassy Mountain Facility is subject to all applicable provisions of the Act, Utah Administrative Code R315 (the Rules) and the Permit.
3. The Grassy Mountain Facility generates listed and characteristic hazardous waste as defined by R315-2 of the Rules.
4. The Grassy Mountain Facility operates a commercial hazardous waste treatment, storage and disposal facility near Knolls in Tooele County, Utah.
5. The Grassy Mountain Facility operates under the provisions of the State-issued Part B Hazardous Waste Permit (the Permit) re-issued to Safety-Kleen on May 2, 2001, as modified. The Permit was originally issued to USPCI on June 30, 1988.
6. Authorized representatives of the Utah Solid and Hazardous Waste Control Board (inspectors) conducted hazardous waste inspections at the Grassy Mountain Facility during October 2004 through September 2005. The following findings were documented during those inspections.
7. Condition III.E.4. of the Permit states that the Permittee may store Land Disposal Restricted wastes for a period of one year for the purpose of accumulation to facilitate proper treatment or disposal.

On July 20, 2005, the Grassy Mountain Facility notified the Division of Solid and Hazardous Waste that container number 5506972 had exceeded one year in storage on July 6, 2005. The letter explained that the waste had been treated three times during the year period and that the Grassy Mountain Facility was awaiting the confirmatory analytical data from the third treatment process.

8. Condition I.Z of the permit requires the Permittee to report instances of noncompliance with the permit within seven days of discovering the noncompliance. The report is to contain all applicable information necessary to describe the noncompliance.

On July 20, 2005, the Grassy Mountain Facility notified the Division that container number 5506972 had exceeded one year in storage specified in Permit Condition III.E.4. The Grassy Mountain Facility notified the Division of the noncompliance 14 days after noncompliance occurred.

DETERMINATION OF VIOLATIONS

Based on the foregoing FINDINGS, the Grassy Mountain Facility has violated provisions of the Rules, the Act, and the Permit applicable to its facility. Specifically, the Grassy Mountain Facility has violated the following:

1. Condition III.E.4. of the Permit by storing container number 5506972 longer than one year.
2. Condition I.Z. of the Permit by failing to provide the Executive Secretary notification of noncompliance within seven days after the non-compliance was documented.

OPPORTUNITY FOR HEARING

This NOTICE OF VIOLATION is effective immediately and shall become final unless contested within 30 days of issuance in accordance with R315-2-14(b) and R315-12-2.2(b) of the Rules. Section 19-6-113(2) of the Utah Code Annotated also provides that violators of the Solid and Hazardous Waste Act or any order, plan, rule, or other requirement issued or adopted under the Solid and Hazardous Waste Act may be subject to a civil penalty of up to thirteen thousand (\$13,000.00) dollars per day for each day of violation.

Dated this ____ day of _____, 2006

By:_____

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

